05-CR-00116-ORD

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

FILED
LODGED
MAR 27 2006
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, Plaintiff, v. GERALD GEORGE, Defendant.	NO. CR-05-116-RHW ORDER REGARDING SCHEDULE FOR GUIDELINE SENTENCING

On this day, Defendant, accompanied by his attorney, Zenon Olbertz appeared and pleaded guilty in this matter. The Government was represented by Lawrence Lincoln, Assistant United States Attorney.

IT IS ORDERED that the date of the sentencing is July 19, 2006, at 11:00 a.m. in Seattle, Washington. **If a sentence of incarceration is imposed, the Defendant shall be placed in custody at the time of sentencing.** Pending sentencing, Defendant shall be _released_ pursuant to this court's previous
<u>released/detained</u>
order. The United States Probation Office shall prepare a timely presentence investigation report that will comply with the following schedule:

1. On or before June 9, 2006, the probation officer shall disclose the presentence investigation report to the Defendant, counsel for Defendant, and the Government.

On or before June 19, 2006, counsel shall communicate in writing to the probation office any objections they may have as to factual errors or omissions;

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1 sentencing classifications; sentencing guideline ranges; and policy statements

2 contained in or omitted from the report. Such communication may be oral initially

3 but shall immediately be confirmed in writing to the probation officer and

4 opposing counsel.

5   On or before June 19, 2006, counsel shall file and serve all motions and

6 memoranda pertaining to Defendant's sentence, including objections and motions

7 for downward or upward departures. Responses to such motions shall be filed and

8 served on or before June 29, 2006. **Any request with regard to self-reporting**

9 **shall be made to the probation office at the same time any objections/motions**

10 **are filed.**

11   2. After receiving counsel's objections, the probation officer shall conduct

12 any further investigation and make any revisions to the presentence report that

13 may be necessary. The probation officer may require counsel for both parties to

14 meet with the officer to discuss unresolved factual and legal issues, and counsel

15 shall make themselves available for that purpose.

16   3. On or before July 10, 2006, the probation officer shall submit the

17 presentence report to the sentencing judge. The report shall be accompanied by an

18 addendum setting forth any objections counsel may have made, including those

19 that have not been resolved, together with the officer's comments and

20 recommendations thereon. The probation officer shall certify that the contents of

21 the report, other than sentencing recommendations, including any revisions or

22 addenda, have been disclosed to counsel for Defendant and the Government, and

23 that the addendum fairly states any remaining objections.

24   4. Except with regard to any written objection made under subdivision (a),

25 the report of the presentence investigation and computations shall be accepted by

26 the court as accurate. For good cause shown, however, the Court may allow a new

27 objection to be raised at any time before the imposition of sentence. In resolving

28 disputed issues of fact, the court may consider any reliable information presented

by the probation officer, Defendant or the Government.

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1   5. Nothing in this rule requires the disclosure of any portions of the

2 presentence report that are not disclosable under Rule 32 of the Federal Rules of

3 Criminal Procedure.

4   6. The presentence report shall be deemed to have been disclosed (1) when

5 a copy of the report is physically delivered; or (2) one day after the availability of

6 the report for inspection is orally communicated; or (3) three days after a copy of

7 the report, or notice of its availability is mailed to counsel, whichever date is

8 earlier.

9   The District Court Executive is directed to enter this order and provide

10 copies to counsel, as well as the U.S. Probation Office.

11   **DATED** this ____ day of March, 2006.

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15   ROBERT H. WHALEY
                         United States District Judge

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